

# **EXHIBIT 9**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
CASE No. 14 CV 3076

- - - - -x  
KEVIN ALEXANDER JONES, on behalf of himself and others  
similarly situated,

Plaintiff,  
-against-  
STERLING INFOSYSTEMS, INC.,

Defendant.

- - - - -x  
CASE NO.: 14-cv-03125b

- - - - -x  
KEVIN ALEXANDER JONES, on behalf of himself and others  
similarly situated,

Plaintiff,  
-against-

HALSTEAD MANAGEMENT COMPANY, LLC, BROWN HARRIS  
STEVENS LLC GROUP, BROWN HARRIS STEVENS, LLC, AND  
TERRA HOLDINGS, LLC

Defendants.

and

HALSTEAD MANAGEMENT COMPANY, LLC, BROWN HARRIS  
STEVENS RESIDENTIAL MANAGEMENT, LLC,  
Third-Party Plaintiffs,  
STERLING INFOSYSTEMS, INC., d/b/a  
STERLINGBACKCHECK,

- - - - -x

DEPOSITION OF KEVIN ALEXANDER JONES  
New York, New York  
Tuesday, December 2, 2014

REPORTED BY: DANIELLE GRANT  
JOB NO. 12976

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December 2, 2014

9:36 a.m.

Deposition of KEVIN ALEXANDER JONES, held at  
the offices of Reed Smith, LLP, 599 Lexington  
Avenue, New York, New York pursuant to Notice  
before DANIELLE GRANT, a Shorthand Reporter and  
Notary Public of the State of New York.

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1 KEVIN ALEXANDER JONES

2 other people.

3 Q What steps did you take to apply  
4 for that job, sir?

5 A An interview was set up with  
6 Mr. Barton.

7 Q Did you contact Mr. Barton?

8 A If I'm not mistaken, Paul himself  
9 actually set it up. He said go see him at --  
10 I'm not sure what time, 12:00 o'clock at this  
11 address, mention my name, meaning his name.

12 Q So you had an appointment to meet  
13 with Mr. Barton at his office?

14 A Yes.

15 Q That was in July of 2012, right?

16 A Yes.

17 Q What did Mr. Barton tell you about  
18 the position?

19 A Basically the same thing Paul  
20 said, there's a temporary position. There's a  
21 possibility of full-time, no guarantees. You  
22 will be paid \$16 an hour, doorman slash porter  
23 and we'd love to have you. That's one of the  
24 last things he said to me.

25 Q Did you understand that you were

1 KEVIN ALEXANDER JONES

2 being interviewed for a temporary position in a  
3 particular building?

4 A Yes.

5 Q Which building was that, sir?

6 A The same building, 45 East 62nd.

7 Q And if you got the job, you'd be  
8 working there while the normal doorman or  
9 porter was on vacation, correct?

10 A I believe that was part of it too,  
11 yes.

12 Q Did you have an understanding as  
13 to when that vacation was going to begin?

14 A No.

15 Q Did you understand that you  
16 would -- if you got the job, you'd start  
17 working once that vacation began?

18 A My understanding was the job would  
19 start immediately.

20 Q How do you -- I'm sorry, I  
21 interrupted you. How did you get that  
22 understanding?

23 A That was from Mr. Barton himself,  
24 also Paul.

25 Q So the records show that and I

1 KEVIN ALEXANDER JONES

2 think the lawsuit alleges that you met with Mr.  
3 Barton on July 12th?

4 A Yes.

5 Q So when -- is it your testimony  
6 that Mr. Barton told you the job would start  
7 immediately?

8 A Yes.

9 Q Would it start at the building on  
10 East 62nd Street?

11 A Yes.

12 Q So by immediately, did that mean  
13 at the end of the interview he wanted you to go  
14 to the building?

15 A No. In other words, they were  
16 looking for someone to hire immediately.  
17 Interview, paperwork, my assumption was start  
18 working. Timeframe not sure, but immediately  
19 to me meant soon.

20 Q Mr. Barton used the word  
21 immediately?

22 A Yes.

23 Q You made reference to paperwork?

24 A Yes.

25 Q You understood that you had to

1 KEVIN ALEXANDER JONES

2 THE WITNESS: Correct. Yes.

3 Q Can you identify Exhibit No. 2  
4 for the record, Mr. Jones?

5 A Application for employment.

6 Q And is that your handwriting on  
7 Exhibit 2?

8 A Yes.

9 Q Is this the application that you  
10 filled out at Halstead's offices after you left  
11 Mr. Barton's office?

12 A Yes.

13 Q After you left Halstead's offices  
14 on July 12, 2012, when was the next time you  
15 had any communication with Halstead?

16 A I believe it was July 16th, the  
17 following Monday.

18 Q Were you surprised you hadn't  
19 heard from Halstead prior to that Monday?

20 A No.

21 Q Was that because you knew it was  
22 going to take some time to process your  
23 application?

24 A No.

25 Q Why weren't you surprised that it



1 KEVIN ALEXANDER JONES

2 took until July 16th to hear from Halstead?

3 A It's a process. I didn't have a  
4 clue as to how long it would take. I would  
5 hope quicker.

6 Q Who did you talk to on July 16th?

7 A I don't recall the name, someone  
8 from personnel. It might have been the same  
9 person who actually gave me the application.

10 Q Did she call you or did you call  
11 her?

12 A She called me.

13 Q And what did she say?

14 A Mr. Jones, there seems to be a  
15 problem concerning your background check. And  
16 I was surprised and I said excuse me. She said  
17 there seems to be some stuff on your background  
18 check. So I asked her what it was. I don't  
19 recall if she actually mentioned it, I want to  
20 say she did not. But she said, I have a number  
21 if you want to call Sterling to verify this  
22 information. I was very -- I don't want to say  
23 very upset, but I was very surprised.

24 Q You said -- I think you said you  
25 didn't think she mentioned it, is that what you

1 KEVIN ALEXANDER JONES

2 Q Did you explain to Sterling that  
3 you had a similar problem with the Florida  
4 records when you were trying to get your  
5 license renewed?

6 A Yes, I did. But I'm not positive  
7 if it was that call or a second call.

8 Q Are you aware that the complaint  
9 that was filed on your behalf describe the  
10 calls you had on July 16th with Halstead and  
11 Sterling?

12 A No.

13 Q What did -- what, if anything, did  
14 Sterling suggest you do during this call on  
15 July 16th?

16 A From what I recall, they suggested  
17 if I want to dispute the findings, they'll make  
18 a note of that and they'll send me a copy of  
19 the actual report.

20 Q Did they -- did Sterling instruct  
21 you on how to dispute the findings?

22 A I was basically doing it over the  
23 phone. I don't recall a certain procedure per  
24 se.

25 Q So what did you do on the phone

1 KEVIN ALEXANDER JONES

2 call to dispute the findings?

3 A I kept denying that the person who  
4 they did a background check was not the person  
5 they were talking to.

6 Q Did you do anything else to file a  
7 dispute with Sterling regarding the report?

8 A Well, eventually what I wound up  
9 doing was sending them copies of the  
10 information I sent to Florida just to try to  
11 help my case.

12 Q Why did you send that to Sterling?

13 A Because the situation in Florida,  
14 when I sent that information, it got resolved.  
15 I was hoping to get the same result.

16 Q Did you believe that the same  
17 records that were a problem when you were  
18 getting your license renewed were the same  
19 records Sterling was reporting to Halstead?

20 A I kind of felt that especially  
21 since with the name similarity.

22 Q Right. Because it was a Kevin  
23 Jones who committed the infractions in Florida,  
24 right?

25 A Correct.

1 KEVIN ALEXANDER JONES

2 Q And now you're being told that a  
3 Kevin Jones was -- had committed similar crimes  
4 and it was also being attributed to you, right?

5 A Correct.

6 Q So you thought it was the same  
7 records, right?

8 A Correct.

9 Q Did you tell that to the person on  
10 the phone at Sterling?

11 A Did I tell them?

12 Q I'm sorry. When you were talking  
13 to Sterling on July 16th, did you tell them I  
14 had a similar problem a couple of years ago?

15 A Yes.

16 Q And that it was the Florida  
17 records?

18 A Yes.

19 Q Did you explain to Sterling that  
20 you had to fill out a not me affidavit back  
21 then?

22 A Correct.

23 Q And did she say -- did the  
24 Sterling employee say, well, then please send  
25 that to us?

1 KEVIN ALEXANDER JONES

2 Q As of May of 2013, had you ever  
3 told any friends or family about this incident  
4 you had where you tried to apply for a job with  
5 Halstead and didn't get it?

6 A I'm sure I have.

7 Q Do you recall who you spoke to  
8 about that?

9 A No.

10 Q Is that because it was not a  
11 significant event in your life?

12 A No, that's not the reason.

13 Q Was it a significant event in your  
14 life?

15 A Yes.

16 Q And why is that, sir?

17 A We're talking livelihood,  
18 employment. We're talking false information.  
19 We're also talking embarrassment, that's what  
20 makes it a significant event.

21 Q You were embarrassed in front of  
22 somebody?

23 A I was embarrassed to have to  
24 address certain issues that are on paper, that  
25 are stopping me from going where I want to go,

1 KEVIN ALEXANDER JONES

2 whether it be another job or just moving on to  
3 whatever I'm going to do in my life. And then  
4 to find out that it's not true, which is what  
5 I've been saying all along. Yes, that's  
6 embarrassing.

7 Q Was it similar to the  
8 embarrassment you had in 2009 when the New York  
9 State Department of Motor Vehicles thought that  
10 you had committed some driving infractions in  
11 Florida?

12 A It was very similar.

13 Q Miss Court Reporter, can you mark  
14 this as the next exhibit?

15 (Document, Bates stamped JONES  
16 00185 was marked as Plaintiff's  
17 Exhibit No. 11 for identification,  
18 as of this date.)

19 Q Mr. Jones, you've been handed  
20 what's been marked Exhibit No. 11 which are  
21 some more pages that your lawyers provided to  
22 us in connection with the lawsuit. It should  
23 be numbered Jones 185 through Jones 193. Is  
24 that what you have, sir?

25 A Yes.

1 KEVIN ALEXANDER JONES

2 A Correct.

3 Q So is that the class you're trying  
4 to represent, people who Sterling misreported  
5 information on?

6 A Absolutely.

7 Q Is there anybody else that you  
8 seek to represent in this class action?

9 A Besides the class?

10 Q Yes.

11 A No.

12 Q Do you understand that you have  
13 certain obligations to the class if you are  
14 appointed by the court as a class  
15 representative?

16 A Yes.

17 Q What are those obligations, sir?

18 A To the best of my ability, to get  
19 the information and to represent the people  
20 that are in the same situation, to the best of  
21 my ability. As far as my lawyers advise me to  
22 do, that's what I'll do.

23 Q So you'll do whatever your lawyers  
24 advise you to do?

25 A I'll do what's right.

CERTIFICATE

STATE OF NEW YORK )

) ss:

COUNTY OF RICHMOND)

I, DANIELLE GRANT, a Certified  
Shorthand Reporter, and Notary  
Public within and for the State of  
New York, do hereby certify:  
That KEVIN ALEXANDER JONES, the witness  
whose deposition is hereinbefore  
set forth, was duly sworn by me and  
that such deposition is a true  
record of the testimony given by  
such witness.

I further certify that I am not  
related to any of the parties to  
this action by blood or marriage  
and that I am in no way interested  
in the outcome of this matter.

In witness whereof, I have hereunto  
set my hand this 12TH day of  
December, 2014.

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DANIELLE GRANT